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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.6310/2005

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

PETITIONER : Radhe Shyam Thavait, S/o Late Shri Rampyare Thavait, Aged about 44 years, Occupation, Sarpanch, Gram Panchayat, Khokhra, Block-Janjgir, District-Janjgir Champa, R/o Village-Khokhra, Block-Janjgir, Distt. Janjgir Champa.

Versus

RESPONDENTS :
1. State of Chhattisgarh, Through Secretary, Panchayat Panchayat Social And Urban Development Department, Govt. of Chhattisgarh, Mantralaya, Shastri Chowk, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, District-Janjgir Champa (C.G.)
3. Chief Executive Officer, Zila Panchayat, Janjgir Champa, District-Janjgir Champa (C.G.)
4. Chief Executive Officer, Janpat Panchayat Navagarh, District- Janjgir Champa.

Shri Rajeev Shrivastava, Counsel for the petitioner.
Shri U. N.S.Deo, G.A. for the State.

ORAL ORDER
(Passed on 15th June 2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

The grievance of the petitioner who is ex-Member of Zila Panchayat, Janjgir Champa and present Sarpanch of Gram Panchayat-Khokhra, Block Janjgir, Tahsil and District Janjgir-Champa is that the action of the first respondent in shifting the headquarter of Block-Janjgir to Navagarh is *ex facie* illegal and violative of mandatory provisions of sub-section (1) of Section 127 of the Chhattisgarh

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Panchayat Raj Adhiniyam, 1993 (for short 'the Adhiniyam'). When this matter was heard on the last occasion i.e. on 14.12.2005, we were not sure whether any notification was issued by the first respondent as envisaged under sub-section (1) of Section 127 of the Adhiniyam. That is why, we directed the learned State Counsel to inform us whether the headquarter was shifted to Navagarh by issuing any notification as envisaged under sub-section (1) of Section 127 of the Adhiniyam. Today, at the time of hearing, learned State Counsel, on the basis of instructions received by him from the first respondent, would submit that no notification as envisaged under sub-section (1) of Section 127 of the Adhiniyam was issued to change the headquarter to Navagarh.

2. In view of the above specific submission, we should state that the change of headquarter to Navagarh is *ex facie* illegal and in blatant violation of mandatory provisions of sub-section (1) of Section 127 of the Adhiniyam. On that short ground, we allow the writ petition and quash the impugned order Annexure P/5, dated 30.11.2005. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani